UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,995	09/07/2000	Takao Miyazaki	0378-0374P	2239

7590 06/01/2006	**EXAMINER**
Birch Stewart Kolasch & Birch LLP	NGUYEN, LUONG TRUNG

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ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-37* is/are pending in the application.

    4a) Of the above claim(s) *32-37* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   It is noted that the Art Unit 2612 has been changed to Art Unit 2622.

Response to Arguments

2.   Applicant's arguments filed on 3/14/2006 have been fully considered but they are not

persuasive.

In re page 9, Applicant argues that in the claimed invention of the present application it is

the "controller" (not the user) that causes the "non-selected frames of image signals, as

distinguish from the one frame of image signal selected, existing in said recording device to be

automatically deleted, such that only the selected one frame of image signal is maintained," for

example, as shown in Fig. 10 of the present application, once a user selects a picture in step

1018, the controller deletes pictures other than the picture selected stored in memory 16 in step

1020; accordingly, Yumoto in view of Taniguchi fails to disclose or event suggest the

"controller" as recited in claim 20.

In response, the Examiners agrees that in figure 10 shown that once a user selects a

picture in step 1018, the controller deletes pictures other than the picture selected stored in

memory 16 in step 1020, this means that for only one operation of selection of the user, the

controller causes non-selected pictures to be automatically deleted, except the one selected

picture. However, this feature is not recited in claim 20. Note that the claim does not recite "the

controller causes non-selected non-selected frames of image signals, as distinguish from the one

frame of image signal selected, existing in said recording device to be automatically deleted <u>in</u>

response to only one operator selection of the selected frame of image signal, such that only the

selected one frame of image signal is maintained".

Instead, regarding claim 20, the Applicant amended the claim with limitation "said

controller causing non-selected frames of image signals, as distinguish from the one frame of

image signal selected, existing in said recording device to be automatically deleted, such that

only the selected one frame of image signal is maintained." The Examiner considers that claim

20 as amended still does not distinguish from Yumoto et al. patent in view of Taniguchi et al.

patent. Taniguchi et al. discloses the protect switch S6 is provided to protect that one of picture

images recorded in the internal memory or an IC card which is desired to be maintained so that it

may not be erased in error; when the protect switch S6 is at its ON position, the protecting is

effective; after that a user slides the mode change-over switch S3 to ERASE-ALL mode, the

CPU 30 causes all picture images recorded in the internal memory or an IC card are

automatically erased except the one desired picture, which is maintained by protect switch S6.

Noted that all the switches S3, S6 are connected to the CPU 30 (Figures 1-2, Column 6, Line 24-

Column 7, Line 10; Column 8, Lines 13-23).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yumoto et

al. (US 6,734,910) in view of Taniguchi et al. (US 6,549,232).

Regarding claim 20, Yumoto et al. discloses an image pickup apparatus comprising:

an image sensor (CCD included in signal converting section 12, Figure 1, Column 3,

Lines 40-43) for picking up a scene in response to a control signal to thereby output an image

signal representative of the scene;

a recording device (DRAM 14, Figure 1, Column 3, Lines 45-65) for recording a plurality

of frames of image signals;

a selecting device (13, Figure 1, Column 3, Lines 45-65) for allowing an operator of the

image pickup apparatus to select a desired one of the plurality of frames of image signals

recorded in the recording device;

a controller (control section 20, Figure 1, Column 4, Lines 7-20) operative in response to

the selecting device for outputting the control signal to cause the image sensor to pick up the

scene at preselected intervals and for controlling the recording device;

said recording device recording latest ones of a plurality of frames of image

signals picked up at the preselected intervals while sequentially updating the plurality of

latest frames of image signals (Column 7, Lines 13-45);

said controller causing the recording device to hold frames of image signals picked up

during a period of time based on a release operation, and causing non-selected frames image

signals, existing in the recording device to be deleted (Yumoto et al. teaches capturing images in

an ordinary shooting mode and a continuous shooting mode; in the continuous shooting mode

images are captured and displayed in predetermined intervals; Column 17, Line 18 to Column

18, Line 45; Yumoto et al. also teaches an overwriting operation for cyclically storing image

data, and further teaches that all the images stored in the areas G1 to G16 are respectively shifted

by one area to adjacent areas and thereby the earliest image data in G1 is erased (non-selected

frames of image signals are deleted), and the newest image data is written in the empty G1 (hold

frames of image signals picked up during a period of time based on a release operation), Column

7, Lines 13-45).

Yumoto et al. fails to specifically disclose the controller causing non-selected frames of

image signals, as distinguished from the one frame image signal selected, existing in said

recording device to be automatically deleted, such that only the selected one frame of image

signal is maintained. However, Taniguchi et al. teaches a still video camera, in which, all picture

images recorded in the internal memory and an IC card are permitted to be erased (all frame

erasing mode) and a protect switch S6 for protecting that one of picture images recorded in the

internal memory card or an IC card which is desired to be maintained so that it may not be erased

in error (Column 6, Lines 38-41, 59-62). When the protect switch S6 is at its ON position, the

protecting is effective; after that a user slides the mode change-over switch S3 to ERASE-ALL

mode, the CPU 30 causes all picture images recorded in the internal memory or an IC card are

automatically erased except the one desired picture, which is maintained by protect switch S6.

Noted that all the switches S3, S6 are connected to the CPU 30 (Figures 1-2, Column 6, Line 24-

Column 7, Line 10; Column 8, Lines 13-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the device in Yumoto et al. by the teaching of Taniguchi et al. in

order to obtain a still video camera having functions of erasing all frames except one desired

frame is maintained. This allows the camera stores more desired frames in the memory.

Regarding claim 21, Yumoto et al. discloses said controller comprises a mode setting

circuit for allowing the operator to set a mode that causes said recording device to hold the

frames of image signals picked up during the period of time at least before or after the release

operation, whereby the frames of image signals are stored in the storage in accordance

with said mode (Column 4, Line 50 to Column 6, Line 55).

Regarding claim 22, Yumoto et al. discloses when the operator sets a "Pre" mode for

causing said recording device to hold the frames of image signals picked up before the release

operation, said controller causes said recording device to hold the frames of image signals picked

up at least before the release operation (Column 13, Line 64 to Column 14, Line 7).

Regarding claim 23, Yumoto et al. discloses when the operator sets a "Post" mode for

causing said recording device to hold frames of image signals picked up after the release

operation, said controller causes said recording device to hold the frames of image signals picked

up at least after the release operation (Column 13, Line 64 to Column 14, Line 7).

Regarding claim 24, Yumoto et al. discloses when the operator sets a "Pre/post" mode

for causing said recording device to hold the frames of image signals picked up before and after

the release operation, said controller causes said recording device to hold the frames of image

signals picked up before and after the release operation (Column 13, Line 64 to Column 14, Line 7).

Regarding claim 25, Yumoto et al. discloses, in figure 1, a display (display section 40) for displaying pictures represented by frames of image signals recorded in said recording device, wherein said controller causes a picture represented by the one frame of image signal selected to be distinguished from the other pictures on said display (Column 4, Lines 33-40).

Regarding claim 26, Yumoto et al. discloses the controller causes said display to display the pictures together in a preselected format (Column 14, Lines 8-18).

Regarding claim 27, Yumoto et al. discloses a switch circuit for generating first information (capturing a sequence of images) and second information (retaining/displaying a desired image/images) in response to a first release operation (half pressed shutter button) and a second release operation (fully pressed shutter button), respectively, wherein said controller controls, in response to the first information, said image sensor and said recording device for executing pickup control at the preselected intervals and recording resulting frames of image signals in said recording device and then causes, in response to the second information and in accordance with the mode set by operator, said recording device to hold the frames of image signals existing therein (The examiner notes that when the shutter release button is in a half pressed state, a sequence of images are captured and stored in working memory 14 and when the

shutter release button is in fully pressed state, a desired image/images are retained in memory 50,

Column 4, Line 50 to Column 6, Line 55).

Regarding claim 28, Yumoto et al. discloses the switch circuit generates the first

information when the operator presses a release button to a half-stroke position and then

generates the second information when the operator presses the release button to a full-stroke

position (Column 5, Line 49 to Column 6, Line 55).

Regarding claim 29, Yumoto et al. discloses the switch circuit comprises a sensor for

generating the first information when the operator holds the apparatus in a position

ready to shoot the scene (The examiner notes that when the shutter release button is

in a half pressed state, a sequence of images is captured).

Regarding claim 30, Yumoto et al. discloses a signal generating circuit for generating

timing signals at the preselected intervals under control of said controller, wherein said

controller executes the pickup control over said image sensor and storage control over said

recording device at the preselected intervals for thereby causing the frames of image signals

picked at the intervals to be written to said recording device (The examiner notes that when the

shutter release button is in a half pressed state, a sequence of images are captured and stored in

working memory 14 and when the shutter release button is in fully pressed state, a desired

image/images are retained in memory 50, Column 4, Line 50 to Column 6, Line 55).

Regarding claim 31, Yumoto et al. discloses the controller sets a period of time

corresponding to a photometric value as the preselected intervals (inherent feature).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-

7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
5/29/06

LUONG T. NGUYEN
PATENT EXAMINER